

# House File 694

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1 4 AN ACT  
1 5 RELATING TO THE JUDICIAL BRANCH INCLUDING BY ESTABLISHING A  
1 6 JUDICIAL DISTRICT AND JUDICIAL ELECTION DISTRICT REDISTRICT=  
1 7 ING PROCESS, MAKING CHANGES TO THE NOMINATION, APPOINTMENT,  
1 8 AND RETENTION OF JUDGES, EXPANDING MAGISTRATE COURTS,  
1 9 ELIMINATING THE POSITION OF ALTERNATE DISTRICT ASSOCIATE  
1 10 JUDGE, PERMITTING DISTRICT JUDGESHIPS TO BE APPORTIONED OR  
1 11 TRANSFERRED TO ANOTHER JUDICIAL DISTRICT, REQUIRING THE  
1 12 COUNTY SHERIFF TO SERVE A SUMMONS IN CERTAIN DELINQUENCY  
1 13 PROCEEDINGS, ELIMINATING THE PARTICIPATION OF THE FOSTER  
1 14 CARE REVIEW BOARD IN VOLUNTARY FOSTER CARE PLACEMENTS,  
1 15 WAIVING THE FILING FEE AND COURT COSTS IN CERTAIN CONTEMPT  
1 16 ACTIONS, CHANGING THE DUTIES OF AND THE PROCEDURES RELATED TO  
1 17 THE CLERK OF THE DISTRICT COURT, PROVIDING THAT INTEREST ON A  
1 18 JUDGMENT BE CALCULATED UPON THE ONE YEAR TREASURY CONSTANT  
1 19 MATURITY PLUS TWO PERCENT, EXPANDING THE ACCESS OF THE  
1 20 DEFERRED JUDGMENT DOCKET, PROHIBITING REGIONAL LITIGATION  
1 21 CENTERS, MODIFYING THE SCHEDULE OF THE PROBATE COURT,  
1 22 PROVIDING FOR A FEE, AND PROVIDING FOR A STUDY.  
1 23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 24  
1 25 Section 1. Section 46.12, unnumbered paragraph 1, Code  
1 26 2003, is amended to read as follows:  
1 27 When a vacancy occurs or will occur within one hundred  
1 28 twenty days in the supreme court, the court of appeals, or  
1 29 district court, the state commissioner of elections shall  
1 30 forthwith so notify the chairperson of the proper judicial  
1 31 nominating commission, unless the chief justice has ordered  
1 32 the state commissioner of elections to delay sending the  
1 33 notification. The chief justice may order the delay for up to  
1 34 one hundred eighty days for budgetary reasons. The  
1 35 chairperson shall call a meeting of the commission within ten  
2 1 days after such notice; if the chairperson fails to do so, the  
2 2 chief justice shall call such meeting.  
2 3 Sec. 2. Section 46.14, Code 2003, is amended to read as  
2 4 follows:  
2 5 46.14 NOMINATION.  
2 6 1. Each judicial nominating commission shall carefully  
2 7 consider the individuals available for judge, and within sixty  
2 8 days after receiving notice of a vacancy shall certify to the  
2 9 governor and the chief justice the proper number of nominees,  
2 10 in alphabetical order. Such nominees shall be chosen by the  
2 11 affirmative vote of a majority of the full statutory number of  
2 12 commissioners upon the basis of their qualifications and  
2 13 without regard to political affiliation. Nominees shall be  
2 14 members of the bar of Iowa, shall be residents of the state or  
2 15 district of the court to which they are nominated, and shall  
2 16 be of such age that they will be able to serve an initial and  
2 17 one regular term of office to which they are nominated before  
2 18 reaching the age of seventy-two years. Nominees for district  
2 19 judge shall file a certified application form, to be provided  
2 20 by the supreme court, with the chairperson of the district  
2 21 judicial nominating commission. ~~No person shall be eligible~~  
2 22 ~~for nomination by a commission as judge during the term for~~  
2 23 ~~which the person was elected or appointed to that commission.~~  
2 24 Absence of a commissioner or vacancy upon the commission shall  
2 25 not invalidate a nomination. The chairperson of the  
2 26 commission shall promptly certify the names of the nominees,  
2 27 in alphabetical order, to the governor and the chief justice.  
2 28 2. A commissioner shall not be eligible for nomination by  
2 29 the commission during the term for which the commissioner was  
2 30 elected or appointed to that commission. A commissioner shall  
2 31 not be eligible to vote for the nomination of a family member,  
2 32 current law partner, or current business partner. For  
2 33 purposes of this subsection, "family member" means a spouse,  
2 34 son, daughter, brother, sister, uncle, aunt, first cousin,  
2 35 nephew, niece, father-in-law, mother-in-law, son-in-law,  
3 1 daughter-in-law, brother-in-law, sister-in-law, father,  
3 2 mother, stepfather, stepmother, stepson, stepdaughter,  
3 3 stepbrother, stepsister, half brother, or half sister.  
3 4 Sec. 3. Section 46.16, subsections 2 and 3, Code 2003, are  
3 5 amended to read as follows:

3 6 2. Subject to removal for cause, the initial term of  
3 7 office of a district associate judge shall be for one year  
3 8 after appointment and until January 1 following the next  
3 9 judicial election after expiration of such year, and the  
3 10 regular term of office of a district associate judge retained  
3 11 at a judicial election shall be ~~four~~ six years from the  
3 12 expiration of the initial or previous regular term, as the  
3 13 case may be.

3 14 3. Subject to removal for cause, the initial term of  
3 15 office of a full-time associate juvenile judge or a full-time  
3 16 associate probate judge shall be for one year after  
3 17 appointment and until January 1 following the next judicial  
3 18 election after expiration of such year, and the regular term  
3 19 of office of a full-time associate juvenile judge or a full-  
3 20 time associate probate judge retained at a judicial election  
3 21 shall be ~~four~~ six years from the expiration of the initial or  
3 22 previous regular term, as the case may be.

3 23 Sec. 4. Section 232.35, subsection 1, Code 2003, is  
3 24 amended to read as follows:

3 25 1. A formal judicial proceeding to determine whether a  
3 26 child has committed a delinquent act shall be initiated by the  
3 27 filing by the county attorney of a petition alleging that a  
3 28 child has committed a delinquent act. After a petition has  
3 29 been filed, service of a summons requiring the child to appear  
3 30 before the court or service of a notice shall be made as  
3 31 provided in section 232.37.

3 32 Sec. 5. Section 232.37, subsection 4, Code 2003, is  
3 33 amended to read as follows:

3 34 4. Service of summons or notice shall be made personally  
3 35 by the sheriff by the delivery of delivering a copy of the  
4 1 summons or notice to the person being served. If the court  
4 2 determines that personal service of a summons or notice is  
4 3 impracticable, the court may order service by certified mail  
4 4 addressed to the last known address. Service of summons or  
4 5 notice shall be made not less than five days before the time  
4 6 fixed for hearing. Service of summons, notice, subpoenas or  
4 7 other process, after an initial valid summons or notice, shall  
4 8 be made in accordance with the rules of the court governing  
4 9 such service in civil actions.

4 10 Sec. 6. Section 232.183, subsection 7, Code 2003, is  
4 11 amended by striking the subsection.

4 12 Sec. 7. Section 236.3, unnumbered paragraph 2, Code 2003,  
4 13 is amended to read as follows:

4 14 The filing fee and court costs for an order for protection  
4 15 and in a contempt action under this chapter shall be waived  
4 16 for the plaintiff. The clerk of court, the sheriff of any  
4 17 county in this state, and other law enforcement and  
4 18 corrections officers shall perform their duties relating to  
4 19 service of process without charge to the plaintiff. When an  
4 20 order for protection is entered by the court, the court may  
4 21 direct the defendant to pay to the clerk of court the fees for  
4 22 the filing of the petition and reasonable costs of service of  
4 23 process if the court determines the defendant has the ability  
4 24 to pay the plaintiff's fees and costs.

4 25 Sec. 8. Section 237.20, unnumbered paragraph 1, Code 2003,  
4 26 is amended to read as follows:

4 27 A local board shall, except in delinquency cases, do the  
4 28 following:

4 29 Sec. 9. Section 255.1, unnumbered paragraph 1, Code 2003,  
4 30 is amended to read as follows:

4 31 Any adult resident of the state may file a complaint in the  
4 32 office of the ~~clerk of any juvenile court,~~ county general  
4 33 assistance director charging that any legal resident of Iowa  
4 34 residing in the county where the complaint is filed is  
4 35 pregnant or is suffering from some malady or deformity that  
5 1 can probably be improved or cured or advantageously treated by  
5 2 medical or surgical treatment or hospital care, and that  
5 3 neither such person nor persons legally chargeable with the  
5 4 person's support are able to pay therefor.

5 5 Sec. 10. Section 255.4, Code 2003, is amended to read as  
5 6 follows:

5 7 255.4 EXAMINATION BY PHYSICIAN.

5 8 Upon the filing of such complaint, the ~~clerk shall number~~  
5 9 ~~and index the same and~~ county general assistance director  
5 10 shall appoint a competent physician and surgeon, living in the  
5 11 vicinity of the patient, who shall personally examine the  
5 12 patient with respect to ~~said the~~ pregnancy, malady, or  
5 13 deformity. The ~~clerk director~~ may, after the expiration of  
5 14 five years from the filing of a complaint, destroy ~~it the~~  
5 15 complaint and all papers or records in connection ~~therewith~~  
5 16 with the complaint.

5 17 Sec. 11. Section 255.5, Code 2003, is amended to read as  
5 18 follows:

5 19 255.5 REPORT BY PHYSICIAN.

5 20 Such physician shall make a report in duplicate on blanks  
5 21 furnished as ~~hereinafter~~ provided in this chapter, answering  
5 22 the questions contained ~~therein in the blanks~~ and setting  
5 23 forth the information required ~~thereby~~, giving such history of  
5 24 the case as will be likely to aid the medical or surgical  
5 25 treatment or hospital care of such patient, describing the  
5 26 pregnancy, deformity, or malady in detail, and stating whether  
5 27 or not in the physician's opinion the ~~same pregnancy,~~  
5 28 ~~deformity, or malady~~ can probably be improved or cured or  
5 29 advantageously treated, which report shall be filed in the  
5 30 office of the ~~clerk within such time as the clerk may fix~~  
5 31 county general assistance director.

5 32 Sec. 12. Section 255.6, Code 2003, is amended to read as  
5 33 follows:

5 34 255.6 INVESTIGATION AND REPORT.

5 35 When a complaint is filed, ~~the clerk of juvenile court in~~  
6 1 ~~the office of the county general assistance director, the~~  
6 2 director shall furnish the county attorney and board of  
6 3 supervisors with a copy and the board shall, by the general  
6 4 assistance director or other agent it selects, make a thorough  
6 5 investigation of facts as to the legal residence of the  
6 6 patient, and the ability of the patient or others chargeable  
6 7 with the patient's support to pay the expense of treatment and  
6 8 care; and shall file a report of the investigation ~~in the~~  
6 9 ~~office of the clerk, with the board~~ at or before the time of  
6 10 hearing.

6 11 Sec. 13. Section 255.7, Code 2003, is amended to read as  
6 12 follows:

6 13 255.7 NOTICE OF HEARING == DUTY OF COUNTY ATTORNEY.

6 14 When the physician's report has been filed, the ~~clerk~~  
6 15 county general assistance director shall, ~~with the consent of~~  
6 16 ~~the court or judge, fix set~~ a time and place for hearing ~~of on~~  
6 17 ~~the matter by the court,~~ and the county attorney shall cause  
6 18 such patient and the parent or parents, guardian, or person  
6 19 having the legal custody of said patient, if under legal  
6 20 disability, to be served with such notice of the time and  
6 21 place of the hearing as the ~~judge or clerk~~ director may  
6 22 prescribe.

6 23 Sec. 14. Section 255.8, Code 2003, is amended to read as  
6 24 follows:

6 25 255.8 HEARING == ORDER == EMERGENCY CASES == CANCELLATION  
6 26 ~~OF COMMITMENTS DETERMINATION BY BOARD OF SUPERVISORS.~~

6 27 ~~The county attorney and the general assistance director, or~~  
6 28 ~~other agent of the board of supervisors of the county, shall~~  
6 29 ~~appear at the hearing. The complainant, the county attorney,~~  
6 30 ~~the general assistance director or other agent of the board of~~  
6 31 ~~supervisors, and the patient, or any person representing the~~  
6 32 ~~patient, may introduce evidence and be heard. If the court~~  
6 33 ~~board of supervisors finds that the patient is a legal~~  
6 34 ~~resident of Iowa and is pregnant or is suffering from a malady~~  
6 35 ~~or deformity which can probably be improved or cured or~~  
7 1 ~~advantageously treated by medical or surgical treatment or~~  
7 2 ~~hospital care, and that neither the patient nor any person~~  
7 3 ~~legally chargeable with the patient's support is able to pay~~  
7 4 ~~the expenses, then the clerk of court county general~~  
7 5 ~~assistance director, except in obstetrical cases and~~  
7 6 ~~orthopedic cases, shall immediately ascertain from the~~  
7 7 ~~admitting physician at the university hospital whether the~~  
7 8 ~~person can be received as a patient within a period of thirty~~  
7 9 ~~days, and if the patient can be received, the court, or in the~~  
7 10 ~~event of no actual contest, the clerk of the court, board~~  
7 11 ~~shall enter an order directing direct~~ that the patient be sent  
7 12 to the university hospital for proper medical and surgical  
7 13 treatment and hospital care. If the ~~court ascertain board~~  
7 14 ~~ascertains~~, except in obstetrical cases and orthopedic cases,  
7 15 that a person of the age or sex of the patient, or afflicted  
7 16 by the complaint, disease, or deformity with which the person  
7 17 is afflicted, cannot be received as a patient at the  
7 18 university hospital within the period of thirty days, ~~then the~~  
7 19 ~~court or the clerk shall enter an order directing~~ the board of  
7 20 supervisors ~~of shall direct~~ the county to provide adequate  
7 21 treatment at county expense for the patient at home or in a  
7 22 hospital. Obstetrical cases and orthopedic cases may be  
7 23 committed to the university hospital without regard to the  
7 24 limiting period of thirty days.  
7 25 In any case of emergency the ~~court or the clerk board of~~  
7 26 ~~supervisors~~ without previous inquiry may at its discretion  
7 27 order the patient to be immediately taken to and accepted by

7 28 the university hospital for the necessary care as provided in  
7 29 section 255.11, but if such a patient cannot be immediately  
7 30 accepted at the university hospital as ascertained by  
7 31 telephone if necessary, ~~the court or the clerk may enter an~~  
7 32 ~~order as in certain cases above set forth directing the board~~  
7 33 ~~of supervisors shall direct the county to provide adequate~~  
7 34 ~~treatment at county expense for the said patient at home or in~~  
7 35 ~~a hospital.~~

8 1 Sec. 15. Section 255.10, Code 2003, is amended to read as  
8 2 follows:  
8 3 255.10 RELIGIOUS BELIEF == DENIAL OF ORDER.  
8 4 The ~~court board of supervisors~~ in its discretion may refuse  
8 5 to make such order in any case where the ~~court board~~ finds the  
8 6 patient or the patient's parent, parents, or guardian are  
8 7 members of a religious denomination whose tenets preclude  
8 8 dependence on the practice of medicine or surgery and desire  
8 9 in good faith to rely upon the practice of their religion for  
8 10 relief from disease or disorder.

8 11 Sec. 16. Section 255.11, Code 2003, is amended to read as  
8 12 follows:  
8 13 255.11 ORDER IN CASE OF EMERGENCY.  
8 14 In cases of great emergency, when the ~~court or judge board~~  
8 15 ~~of supervisors~~ is satisfied that delay would be seriously  
8 16 injurious to the patient, the ~~court or judge board of~~  
8 17 ~~supervisors~~ may make such order with the consent of the  
8 18 patient, if ~~an~~ adult, or of the parent or parents, guardian,  
8 19 or person having the legal custody of ~~said the~~ patient, if a  
8 20 minor or incompetent, without examination, report, notice, or  
8 21 hearing.

8 22 Sec. 17. Section 255.12, Code 2003, is amended to read as  
8 23 follows:  
8 24 255.12 CERTIFIED COPY OF ORDER.  
8 25 The ~~clerk county general assistance director~~ shall prepare  
8 26 a certified copy of ~~said such~~ order, which, together with a  
8 27 copy of the physician's report, shall be delivered to the  
8 28 admitting physician of ~~said such~~ hospital at or before the  
8 29 time of the reception of the patient into the hospital.

8 30 Sec. 18. Section 255.13, Code 2003, is amended to read as  
8 31 follows:  
8 32 255.13 ATTENDANT == PHYSICIAN == COMPENSATION.  
8 33 If the physician appointed to examine the patient ~~shall~~  
8 34 ~~certify certifies~~ that an attendant to accompany the patient  
8 35 to the ~~said~~ hospital is necessary, and the university hospital  
9 1 attendant and ambulance service is not available, ~~then the~~  
9 2 ~~court or judge or clerk of the court the county general~~  
9 3 ~~assistance director~~ may appoint an attendant who shall receive  
9 4 not exceeding two dollars per day for the time thus  
9 5 necessarily employed and actual necessary traveling expenses  
9 6 by the most feasible route to ~~said the~~ hospital whether by  
9 7 ambulance, train, or automobile; but if such appointee is a  
9 8 relative of the patient or a member of the patient's immediate  
9 9 family, or receives a salary or other compensation from the  
9 10 public for the appointee's services, no such per diem  
9 11 compensation shall be paid. The physician appointed ~~by the~~  
9 12 ~~court or clerk~~ to make the examination and report shall  
9 13 receive ~~therefor~~ three dollars for each examination and report  
9 14 so made and the physician's actual necessary expenses incurred  
9 15 in making such examination, but if ~~said the~~ physician receives  
9 16 a salary or other compensation from the public for the  
9 17 physician's full-time services, ~~then~~ no such examination fee  
9 18 shall be paid. The actual, necessary expenses of transporting  
9 19 and caring for the patient shall be paid as ~~hereinafter~~  
9 20 ~~provided in this chapter.~~

9 21 Sec. 19. Section 255.14, Code 2003, is amended to read as  
9 22 follows:  
9 23 255.14 ~~PAYMENT OF EXPENSES == HOW PAID.~~  
9 24 An itemized, verified statement of all charges provided for  
9 25 in sections 255.8 and 255.13, in cases where the patient is  
9 26 admitted or accepted for treatment at the university hospital  
9 27 shall be filed with the superintendent of the university  
9 28 hospital, and upon the superintendent's recommendation when  
9 29 approved by the ~~judge or clerk of the court under whose order~~  
9 30 ~~the same were incurred board of supervisors, they the charges~~  
9 31 shall be ~~charged included~~ on the regular bill for the  
9 32 maintenance, transportation and treatment of the patient, and  
9 33 be audited and paid in the manner as ~~hereinafter~~ provided in  
9 34 ~~this chapter.~~

9 35 Sec. 20. Section 255.21, Code 2003, is amended to read as  
10 1 follows:  
10 2 255.21 TREATMENT OUTSIDE HOSPITAL == ATTENDANT.  
10 3 If, in the judgment of the physician or surgeon to whom the

10 4 patient has been assigned for treatment, continuous residence  
10 5 of the patient in the hospital is unnecessary, such patient  
10 6 may, by the hospital authorities, be sent to the patient's  
10 7 home or other appropriate place, and be required to return to  
10 8 the hospital when and for such length of time as may be for  
10 9 the patient's benefit. The hospital authorities may, if  
10 10 necessary, appoint an attendant to accompany such patient and  
10 11 discharged patients, and the compensation of such attendant  
10 12 shall be fixed by the state board of regents and charged by  
10 13 the hospital as part of the costs of transporting patients.  
10 14 The compensation paid to and the expenses of the attendant  
10 15 shall be audited and paid in the same manner as is provided by  
10 16 law for the compensation of an attendant appointed by the  
10 17 ~~court board of supervisors.~~

10 18 Sec. 21. Section 255.22, Code 2003, is amended to read as  
10 19 follows:

10 20 255.22 TREATMENT AUTHORIZED.

10 21 ~~No~~ A minor or incompetent person shall not be treated for  
10 22 any malady or deformity except such as is reasonably well  
10 23 described in the order ~~of court~~ or the report of the examining  
10 24 physician, unless permission for such treatment is provided  
10 25 for in the order ~~of court~~, or is granted by the person's  
10 26 parents or guardian; but the physician in charge may  
10 27 administer such treatment or perform such surgical operations  
10 28 as are usually required in cases of emergency.

10 29 Sec. 22. Section 255.27, Code 2003, is amended to read as  
10 30 follows:

10 31 255.27 FACULTY TO PREPARE BLANKS == PRINTING.

10 32 The medical faculty of the state university hospital shall  
10 33 from time to time prepare blanks containing questions and  
10 34 requiring information that it finds necessary and proper to be  
10 35 obtained by the physician who examines a patient under order  
11 1 of ~~court~~ the board of supervisors. The blanks shall be  
11 2 printed by the state, and a sufficient supply shall be  
11 3 furnished by the state printing administrator to the ~~clerk of~~  
11 4 ~~each juvenile court in the state~~ county general assistance  
11 5 director. The cost of printing the blanks shall be audited,  
11 6 allowed, and paid in the same manner as other bills for public  
11 7 printing.

11 8 Sec. 23. Section 321.20B, subsection 4, paragraph b,  
11 9 subparagraph (1), unnumbered paragraph 1, Code 2003, is  
11 10 amended to read as follows:

11 11 An owner or driver who produces to the clerk of court,  
11 12 ~~within thirty days of the issuance of the citation under~~  
11 13 ~~paragraph "a", or prior to the date of the individual's court~~  
11 14 ~~appearance as indicated on the citation, whichever is earlier,~~  
11 15 proof that financial liability coverage was in effect for the  
11 16 motor vehicle at the time the person was stopped and cited,  
11 17 or, if the driver is not the owner of the motor vehicle, proof  
11 18 that liability coverage was in effect for the driver with  
11 19 respect to the motor vehicle being driven at the time the  
11 20 driver was stopped and cited, in the same manner as if the  
11 21 motor vehicle were owned by the driver, shall be given a  
11 22 receipt indicating that such proof was provided and be subject  
11 23 to one of the following:

11 24 Sec. 24. Section 321.20B, subsection 4, paragraph c, Code  
11 25 2003, is amended to read as follows:

11 26 c. An owner or driver cited for a violation of subsection  
11 27 1, who produces to the clerk of court ~~within thirty days of~~  
11 28 ~~the issuance of the citation prior to the date of the~~  
11 29 individual's court appearance as indicated on the citation

11 30 proof that financial liability coverage was in effect for the  
11 31 motor vehicle at the time the person was stopped and cited,  
11 32 shall not be convicted of such violation and the citation  
11 33 issued shall be dismissed.

11 34 Sec. 25. Section 321.20B, subsection 5, paragraph b, Code  
11 35 2003, is amended to read as follows:

12 1 b. Issue a citation. An owner or driver who produces to  
12 2 the clerk of court ~~within thirty days of the issuance of the~~  
12 3 ~~citation, or prior to the date of the individual's court~~  
12 4 ~~appearance as indicated on the citation, whichever is earlier,~~  
12 5 proof that the financial liability coverage was in effect for  
12 6 the motor vehicle at the time the person was stopped and  
12 7 cited, or if the driver is not the owner of the motor vehicle,  
12 8 proof that liability coverage was in effect for the driver  
12 9 with respect to the motor vehicle being driven at the time the  
12 10 driver was stopped and cited in the same manner as if the  
12 11 motor vehicle were owned by the driver, shall be given a  
12 12 receipt indicating that proof was provided, and the citation  
12 13 issued shall be dismissed.

12 14 Sec. 26. Section 321.484, unnumbered paragraph 2, Code

12 15 2003, is amended to read as follows:

12 16 The owner of a vehicle shall not be held responsible for a  
12 17 violation of a provision regulating the stopping, standing, or  
12 18 parking of a vehicle, whether the provision is contained in  
12 19 this chapter, or chapter 321L, or an ordinance or other  
12 20 regulation or rule, if the owner establishes that at the time  
12 21 of the violation the vehicle was in the custody of an  
12 22 identified person other than the owner pursuant to a lease as  
12 23 defined in chapter 321F or pursuant to a rental agreement as  
12 24 defined in section 516D.3. The furnishing to the ~~clerk of the~~  
~~12 25 district court county attorney~~ where the charge is pending of  
12 26 a copy of the lease prescribed by section 321F.6 or rental  
12 27 agreement that was in effect for the vehicle at the time of  
12 28 the alleged violation shall be prima facie evidence that the  
12 29 vehicle was in the custody of an identified person other than  
12 30 the owner within the meaning of this paragraph, ~~and the charge~~  
~~12 31 against the owner shall be dismissed. The clerk of the~~  
~~12 32 district court then shall cause a uniform citation and~~  
~~12 33 complaint to be issued against the lessee or renter of the~~  
~~12 34 vehicle, and the citation shall be served upon the defendant~~  
~~12 35 by ordinary mail directed to the defendant at the address~~  
~~13 1 shown in the lease or rental agreement.~~

13 2 Sec. 27. Section 331.653, Code 2003, is amended by adding  
13 3 the following new subsection:

13 4 NEW SUBSECTION. 23A. Carry out duties related to service  
13 5 of a summons, notice, or subpoena pursuant to sections 232.35,  
13 6 232.37, and 232.88.

13 7 Sec. 28. Section 598.21, Code 2003, is amended by adding  
13 8 the following new subsection:

13 9 NEW SUBSECTION. 10A. If the court modifies an order, and  
13 10 the original decree was entered in another county in Iowa, the  
13 11 clerk of court shall send a copy of the modification by  
13 12 regular mail, electronic transmission, or facsimile to the  
13 13 clerk of court for the county where the original decree was  
13 14 entered.

13 15 Sec. 29. Section 602.1215, subsection 1, Code 2003, is  
13 16 amended to read as follows:

13 17 1. ~~The Subject to the provisions of section 602.1209,~~  
~~13 18 subsection 3, the district judges of each judicial election~~  
13 19 district shall by majority vote appoint persons to serve as  
13 20 clerks of the district court, ~~one for each county within the~~  
13 21 judicial election district. ~~The district judges of a judicial~~  
~~13 22 election district may appoint a person to serve as clerk of~~  
~~13 23 the district court for more than one but not more than four~~  
~~13 24 contiguous counties in the same judicial district. A person~~  
13 25 does not qualify for appointment to the office of clerk of the  
13 26 district court unless the person is at the time of application  
13 27 a resident of the state. ~~Within three months of appointment~~  
~~13 28 the clerk of the district court must establish residence and~~  
~~13 29 physically reside in the county. A clerk of the district~~  
13 30 court may be removed from office for cause by a majority vote  
13 31 of the district judges of the judicial election district.  
13 32 Before removal, the clerk of the district court shall be  
13 33 notified of the cause for removal.

13 34 Sec. 30. Section 602.1501, subsection 4, Code 2003, is  
13 35 amended to read as follows:

14 1 4. District associate judges shall receive the salary set  
14 2 by the general assembly. ~~However, an alternate district~~  
~~14 3 associate judge whose appointment is authorized under section~~  
~~14 4 602.6303 shall receive a salary for each day of actual duty~~  
~~14 5 equal to a district associate judge's daily salary.~~

14 6 Sec. 31. Section 602.1604, Code 2003, is amended to read  
14 7 as follows:

14 8 602.1604 JUDGES SHALL NOT PRACTICE LAW.

14 9 While holding office, a supreme court justice, court of  
14 10 appeals judge, district judge, or district associate judge  
14 11 shall not practice as an attorney or counselor or give advice  
14 12 in relation to any action pending or about to be brought in  
14 13 any of the courts of the state. ~~A person whose appointment as~~  
~~14 14 an alternate district associate judge is authorized under~~  
~~14 15 section 602.6303 may practice law except when actually serving~~  
~~14 16 as a district associate judge.~~

14 17 Sec. 32. Section 602.1611, subsection 2, Code 2003, is  
14 18 amended by striking the subsection.

14 19 Sec. 33. Section 602.6105, subsection 3, Code 2003, is  
14 20 amended to read as follows:

14 21 3. a. The chief judge of a judicial district shall  
14 22 designate times and places for magistrates to hold court to  
14 23 ensure accessibility of magistrates at all times throughout  
14 24 the district. The schedule of times and places of  
14 25 availability of magistrates and any schedule changes shall be

14 26 disseminated by the chief judge to the peace officers within  
14 27 the district.

14 28 b. The chief judge of a judicial district shall schedule a  
14 29 magistrate to hold court in a city other than the county seat  
14 30 if all of the following apply:

14 31 (1) Magistrate court was regularly scheduled in the city  
14 32 on or after July 1, 2001.

14 33 (2) The population of the city is at least two times  
14 34 greater than the population of the county seat or the  
14 35 population of the city is at least thirty thousand.

15 1 (3) The city requests the chief judge to schedule  
15 2 magistrate court.

15 3 In addition to paying the costs in section 602.1303,  
15 4 subsection 1, the city requesting the magistrate court shall  
15 5 pay any other costs for holding magistrate court in the city  
15 6 which would not otherwise have been incurred by the judicial  
15 7 branch.

15 8 Sec. 34. Section 602.6107, Code 2003, is amended by  
15 9 striking the section and inserting in lieu thereof the  
15 10 following:

15 11 602.6107 REORGANIZATION OF JUDICIAL DISTRICTS AND JUDICIAL  
15 12 ELECTION DISTRICTS.

15 13 1. The supreme court shall, beginning January 1, 2012, and  
15 14 at least every ten years thereafter, review the division of  
15 15 the state into judicial districts and judicial election  
15 16 districts in order to determine whether the composition or the  
15 17 total number of the judicial districts and judicial election  
15 18 districts is the most efficient and effective administration  
15 19 of the district court and the judicial branch.

15 20 2. If the supreme court determines that the administration  
15 21 of the district court and the judicial branch would be made  
15 22 more efficient and effective by reorganizing the judicial  
15 23 districts and judicial election districts, which may include  
15 24 expanding or contracting the total number of judicial  
15 25 districts and judicial election districts, the supreme court  
15 26 shall develop and submit to the general assembly by November  
15 27 15 a plan that reorganizes the judicial districts and judicial  
15 28 election districts. The legislative service bureau shall  
15 29 draft a bill embodying the plan for submission by the supreme  
15 30 court to the general assembly. The general assembly shall  
15 31 bring the bill to a vote in either the senate or the house of  
15 32 representatives within thirty days of the bill's submission by  
15 33 the supreme court to the general assembly, under a procedure  
15 34 or rule permitting no amendments by either house except those  
15 35 of a purely corrective nature. If both houses pass the bill,  
16 1 the bill shall be presented as any other bill to the governor  
16 2 for approval. The bill shall take effect upon the general  
16 3 assembly passing legislation, which is approved by the  
16 4 governor including an effective date for the reorganization of  
16 5 the judicial districts and judicial election districts.

16 6 3. The composition of the judicial districts in section  
16 7 602.6107, Code 2003, and judicial election districts in  
16 8 section 602.6109, Code 2003, shall remain in effect until a  
16 9 new division of the state into judicial districts and judicial  
16 10 election districts is enacted.

16 11 4. It is the intent of the general assembly that the  
16 12 supreme court prior to developing a plan pursuant to this  
16 13 section consult with and receive input from members of the  
16 14 general public, court employees, judges, members of the  
16 15 general assembly, the judicial departments of correctional  
16 16 services, county officers, officials from other interested  
16 17 political subdivisions, and attorneys. In submitting a plan  
16 18 pursuant to this section, the supreme court shall also submit  
16 19 to the general assembly a report stating the reasons for  
16 20 developing the plan and describing in detail the process used  
16 21 in developing the plan.

16 22 5. Nothing in this section or other provision of the Code  
16 23 shall be construed to preclude the general assembly or the  
16 24 judicial branch from proposing or considering a plan  
16 25 reorganizing the judicial districts and judicial election  
16 26 districts at any time.

16 27 Sec. 35. Section 602.6109, Code 2003, is amended by  
16 28 striking the section and inserting in lieu thereof the  
16 29 following:

16 30 602.6109 JUDICIAL ELECTION DISTRICTS AND JUDGESHIPS.

16 31 1. The reorganized judicial election districts established  
16 32 pursuant to section 602.6107 shall be used solely for purposes  
16 33 of nomination, appointment, and retention of judges of the  
16 34 district court.

16 35 2. If the judicial election districts are reorganized  
17 1 under section 602.6107, the state court administrator shall

17 2 reapportion the number of judgeships to which each judicial  
17 3 election district is entitled. The reapportionment shall be  
17 4 determined according to section 602.6201, subsection 3.  
17 5 Sec. 36. Section 602.6111, Code 2003, is amended by  
17 6 striking the section and inserting in lieu thereof the  
17 7 following:

17 8 602.6111 IDENTIFICATION ON DOCUMENTS FILED WITH THE CLERK.

17 9 1. Any party, other than the state or a political  
17 10 subdivision of the state, filing a petition or complaint,  
17 11 answer, appearance, first motion, or any document filed with  
17 12 the clerk of the district court which brings a new party into  
17 13 a proceeding shall provide the clerk of the district court  
17 14 with the following information when applicable:

17 15 a. An employer identification number if a number has been  
17 16 assigned.

17 17 b. The birth date of the party.

17 18 c. The social security number of the party.

17 19 2. Any party, except the child support recovery unit,  
17 20 filing a petition, complaint, answer, appearance, first  
17 21 motion, or any document with the clerk of the district court  
17 22 to establish or modify an order for child support under  
17 23 chapter 236, 252A, 252K, 598, or 600B shall provide the clerk  
17 24 of the district court with the date of birth and social  
17 25 security number of the child.

17 26 3. A party shall provide the information pursuant to this  
17 27 section in the manner required by rules or directives  
17 28 prescribed by the supreme court. The clerk of the district  
17 29 court shall keep a social security number provided pursuant to  
17 30 this section confidential in accordance with the rules and  
17 31 directives prescribed by the supreme court.

17 32 Sec. 37. NEW SECTION. 602.6112 REGIONAL LITIGATION  
17 33 CENTERS == PROHIBITION.

17 34 The judicial branch shall not establish regional litigation  
17 35 centers.

18 1 Sec. 38. Section 602.6201, subsection 8, Code 2003, is  
18 2 amended to read as follows:

18 3 8. ~~Vacancies shall not be filled in a judicial election~~

~~18 4 district which becomes entitled to fewer judgeships under~~  
~~18 5 subsection 3, but an~~ An incumbent district judge shall not be  
18 6 removed from office because of a reduction in the number of  
18 7 authorized judgeships.

18 8 Sec. 39. Section 602.6201, Code 2003, is amended by adding  
18 9 the following new subsections:

18 10 NEW SUBSECTION. 11. Notwithstanding any other provision  
18 11 of the Code to the contrary, if a vacancy in a judgeship  
18 12 occurs, and the chief justice of the supreme court makes a  
18 13 finding that a substantial disparity exists in the allocation  
18 14 of judgeships and judicial workload between judicial election  
18 15 districts, the chief justice may apportion the judgeship from  
18 16 the judicial election district where the vacancy occurs to  
18 17 another judicial election district based upon the substantial  
18 18 disparity finding. However, a judgeship shall not be  
18 19 apportioned pursuant to this section unless a majority of the  
18 20 judicial council approves the apportionment.

18 21 NEW SUBSECTION. 12. Notwithstanding any other provision  
18 22 of the Code to the contrary, if the chief justice of the  
18 23 supreme court determines a substantial disparity exists in the  
18 24 allocation of judgeships and judicial workload between  
18 25 judicial election districts, the chief justice may authorize a  
18 26 voluntary permanent transfer of a district judge from one  
18 27 judicial election district to another upon approval by a  
18 28 majority of the judicial council. After approval by the  
18 29 judicial council, the chief justice shall notify all eligible  
18 30 district judges of the intent to seek applicants for a  
18 31 voluntary permanent transfer and the terms of such a transfer.  
18 32 A district judge is not eligible for a voluntary transfer  
18 33 unless the judge has served a regular term of office as  
18 34 specified in section 46.16. Upon approval of the judge's  
18 35 application, the chief justice may transfer a district judge  
19 1 who consents to the transfer within six months of the  
19 2 notification. The transfer of a district judge shall take  
19 3 effect within sixty days of the official announcement of the  
19 4 transfer by the chief justice. A district judge transferred  
19 5 pursuant to this subsection shall have six months from the  
19 6 date of the announcement of the transfer to establish  
19 7 residency in the judicial election district where the district  
19 8 judge is transferred. A district judge who has been  
19 9 transferred shall stand for retention in the judicial election  
19 10 district to which the district judge has been transferred as  
19 11 provided in chapter 46. For purposes of subsection 3, the  
19 12 judgeship shall be apportioned to the judicial election



19 13 district where the judge is transferred. A voluntary transfer  
19 14 pursuant to this subsection shall not cause a vacancy of a  
19 15 judgeship in the judicial election district from which the  
19 16 district judge was transferred.

19 17 Sec. 40. Section 602.6301, Code 2003, is amended to read  
19 18 as follows:

19 19 602.6301 NUMBER AND APPORTIONMENT OF DISTRICT ASSOCIATE  
19 20 JUDGES.

19 21 There shall be one district associate judge in counties  
19 22 having a population of more than thirty-five thousand and less  
19 23 than eighty thousand; two in counties having a population of  
19 24 eighty thousand or more and less than one hundred twenty-five  
19 25 thousand; three in counties having a population of one hundred  
19 26 twenty-five thousand or more and less than two hundred  
19 27 thousand; four in counties having a population of two hundred  
19 28 thousand or more and less than two hundred thirty-five  
19 29 thousand; five in counties having a population of two hundred  
19 30 thirty-five thousand or more and less than two hundred seventy  
19 31 thousand; six in counties having a population of two hundred  
19 32 seventy thousand or more and less than three hundred five  
19 33 thousand; and seven in counties having a population of three  
19 34 hundred five thousand or more. However, a county shall not  
19 35 lose a district associate judgeship solely because of a  
20 1 reduction in the county's population. If the formula provided  
20 2 in this section results in the allocation of an additional  
20 3 district associate judgeship to a county, implementation of  
20 4 the allocation shall be subject to prior approval of the  
20 5 supreme court and availability of funds to the judicial  
20 6 branch. A district associate judge appointed pursuant to  
20 7 section 602.6302 ~~or 602.6303~~ shall not be counted for purposes  
20 8 of this section.

20 9 Sec. 41. Section 602.6304, subsections 1, 2, and 3, Code  
20 10 2003, are amended to read as follows:

20 11 1. The district associate judges authorized by sections  
20 12 602.6301, ~~and 602.6302, and 602.6303~~ shall be appointed by the  
20 13 district judges of the judicial election district from persons  
20 14 nominated by the county magistrate appointing commission. In  
20 15 the case of a district associate judge to be appointed to more  
20 16 than one county, the appointment shall be from persons  
20 17 nominated by the county magistrate appointing commissions  
20 18 acting jointly and in the case of a district associate judge  
20 19 to be appointed to more than one judicial election district of  
20 20 the same judicial district, the appointment shall be by a  
20 21 majority of the district judges in each judicial election  
20 22 district.

20 23 2. In November of any year in which an impending vacancy  
20 24 is created because a district associate judge is not retained  
20 25 in office pursuant to a judicial election, the county  
20 26 magistrate appointing commission shall publicize notice of the  
20 27 vacancy in at least two publications in the official county  
20 28 newspaper. The commission shall accept applications for  
20 29 consideration for nomination as district associate judge for a  
20 30 minimum of fifteen days prior to certifying nominations. The  
20 31 commission shall consider the applications and shall, by  
20 32 majority vote, certify to the chief judge of the judicial  
20 33 district not later than December 15 of that year the names of  
20 34 three applicants who are nominated by the commission for the  
20 35 vacancy, unless the chief justice has ordered the commission  
21 1 to delay the certification of the nominees to the chief judge.  
21 2 The chief justice may order the delay of the certification for  
21 3 up to one hundred eighty days for budgetary reasons. If there  
21 4 are three or fewer applicants the commission shall certify all  
21 5 applicants who meet the statutory qualifications. Nominees  
21 6 shall be chosen solely on the basis of the qualifications of  
21 7 the applicants, and political affiliation shall not be  
21 8 considered.

21 9 3. Within thirty days after a county magistrate appointing  
21 10 commission receives notification of an actual or impending  
21 11 vacancy in the office of district associate judge, other than  
21 12 a vacancy referred to in subsection 2, the commission shall  
21 13 certify to the chief judge of the judicial district the names  
21 14 of three applicants who are nominated by the commission for  
21 15 the vacancy, unless the chief justice has ordered the  
21 16 commission to delay the certification of the nominees to the  
21 17 chief judge. The chief justice may order the delay of the  
21 18 certification for up to one hundred eighty days for budgetary  
21 19 reasons. The commission shall publicize notice of the vacancy  
21 20 in at least two publications in the official county newspaper.  
21 21 The commission shall accept applications for consideration for  
21 22 nomination as district associate judge for a minimum of  
21 23 fifteen days prior to certifying nominations. The commission

21 24 shall consider the applications and shall, by majority vote,  
21 25 certify to the chief judge of the judicial district the names  
21 26 of three applicants who are nominated by the commission for  
21 27 the vacancy. If there are three or fewer applicants the  
21 28 commission shall certify all applicants who meet the statutory  
21 29 qualifications. Nominees shall be chosen solely on the basis  
21 30 of the qualifications of the applicants, and political  
21 31 affiliation shall not be considered. As used in this  
21 32 subsection, a vacancy is created by the death, retirement,  
21 33 resignation, or removal of a district associate judge, or by  
21 34 an increase in the number of positions authorized.

21 35 Sec. 42. Section 602.6305, subsection 1, Code 2003, is  
22 1 amended to read as follows:

22 2 1. District associate judges shall serve initial terms and  
22 3 shall stand for retention in office within the judicial  
22 4 election districts of their residences at the judicial  
22 5 election in 1982 and every ~~four~~ six years thereafter, under  
22 6 sections 46.17 to 46.24.

22 7 Sec. 43. Section 602.6403, subsection 3, Code 2003, is  
22 8 amended to read as follows:

22 9 3. Within thirty days following receipt of notification of  
22 10 a vacancy in the office of magistrate, the commission shall  
22 11 appoint a person to the office to serve the remainder of the  
22 12 unexpired term, unless the chief justice has ordered the  
22 13 commission to delay the appointment for up to one hundred  
22 14 eighty days for budgetary reasons. For purposes of this  
22 15 section, vacancy means a death, resignation, retirement, or  
22 16 removal of a magistrate, or an increase in the number of  
22 17 positions authorized.

22 18 Sec. 44. Section 602.7103B, subsections 2 and 3, Code  
22 19 2003, are amended to read as follows:

22 20 2. In November of any year in which an impending vacancy  
22 21 is created because a full-time associate juvenile judge is not  
22 22 retained in office pursuant to a judicial election, the county  
22 23 magistrate appointing commission shall publicize notice of the  
22 24 vacancy in at least two publications in the official county  
22 25 newspaper. The commission shall accept applications for  
22 26 consideration for nomination as full-time associate juvenile  
22 27 judge for a minimum of fifteen days prior to certifying  
22 28 nominations. The commission shall consider the applications  
22 29 and shall, by majority vote, certify to the chief judge of the  
22 30 judicial district not later than December 15 of that year the  
22 31 names of three applicants who are nominated by the commission  
22 32 for the vacancy, unless the chief justice has ordered the  
22 33 commission to delay the certification of the nominees to the  
22 34 chief judge. The chief justice may order the delay of the  
22 35 certification for up to one hundred eighty days for budgetary

23 1 reasons. If there are three or fewer applicants, the  
23 2 commission shall certify all applicants who meet the statutory  
23 3 qualifications. Nominees shall be chosen solely on the basis  
23 4 of the qualifications of the applicants, and political  
23 5 affiliation shall not be considered.

23 6 3. Within thirty days after a county magistrate appointing  
23 7 commission receives notification of an actual or impending  
23 8 vacancy in the office of full-time associate juvenile judge,  
23 9 other than a vacancy referred to in subsection 2, the  
23 10 commission shall certify to the chief judge of the judicial  
23 11 district the names of three applicants who are nominated by  
23 12 the commission for the vacancy, unless the chief justice has  
23 13 ordered the commission to delay the certification of the  
23 14 nominees to the chief judge. The chief justice may order the  
23 15 delay of the certification for up to one hundred eighty days  
23 16 for budgetary reasons. The commission shall publicize notice

23 17 of the vacancy in at least two publications in the official  
23 18 county newspaper. The commission shall accept applications  
23 19 for consideration for nomination as full-time associate  
23 20 juvenile judge for a minimum of fifteen days prior to  
23 21 certifying nominations. The commission shall consider the  
23 22 applications and shall, by majority vote, certify to the chief  
23 23 judge of the judicial district the names of three applicants  
23 24 who are nominated by the commission for the vacancy. If there  
23 25 are three or fewer applicants, the commission shall certify  
23 26 all applicants who meet the statutory qualifications.  
23 27 Nominees shall be chosen solely on the basis of the  
23 28 qualifications of the applicants, and political affiliation  
23 29 shall not be considered. As used in this subsection, a  
23 30 vacancy is created by the death, retirement, resignation, or  
23 31 removal of a full-time associate juvenile judge, or by an  
23 32 increase in the number of positions authorized.

23 33 Sec. 45. Section 602.8102, subsection 9, Code 2003, is  
23 34 amended to read as follows:

23 35 9. Enter in the appearance docket a memorandum of the date  
24 1 of filing of all petitions, demurrers, answers, motions, or  
24 2 papers of any other description in the cause. A pleading of  
24 3 any description is considered filed when the clerk entered the  
24 4 date the pleading was received on the pleading and the  
24 5 pleading shall not be taken from the clerk's office until the  
24 6 memorandum is made. The memorandum shall be made ~~before the~~  
~~24 7 end of the next working day within two business days of a new~~  
~~24 8 petition or order being filed, and as soon as practicable for~~  
~~24 9 all other pleadings.~~ Thereafter, when a demurrer or motion is  
24 10 sustained or overruled, a pleading is made or amended, or the  
24 11 trial of the cause, rendition of the verdict, entry of  
24 12 judgment, issuance of execution, or any other act is done in  
24 13 the progress of the cause, a similar memorandum shall be made  
24 14 of the action, including the date of action and the number of  
24 15 the book and page of the record where the entry is made. The  
24 16 appearance docket is an index of each suit from its  
24 17 commencement to its conclusion.

24 18 Sec. 46. Section 602.8102, subsection 11, Code 2003, is  
24 19 amended to read as follows:  
24 20 11. Refund amounts less than ~~one dollar~~ three dollars only  
24 21 upon written application.

24 22 Sec. 47. Section 602.8106, subsection 1, paragraphs b, c,  
24 23 d, and e, Code 2003, are amended to read as follows:  
24 24 b. For filing and docketing of a complaint or information  
24 25 for a simple misdemeanor and a complaint or information for a  
24 26 nonscheduled simple misdemeanor under chapter 321, ~~twenty-five~~  
24 27 seventeen dollars.

24 28 c. For filing and docketing a complaint or information or  
24 29 uniform citation and complaint for parking violations under  
24 30 sections 321.236, 321.239, 321.358, 321.360, and 321.361, ~~one~~  
~~24 31 dollar~~ eight dollars, effective January 1, ~~1991~~ 2004. The  
24 32 court costs in cases of parking meter and overtime parking  
24 33 violations which are denied, and charged and collected  
24 34 pursuant to section 321.236, subsection 1, or pursuant to a  
24 35 uniform citation and complaint, are eight dollars per  
25 1 information or complaint or per uniform citation and complaint  
25 2 effective January 1, 1991.

25 3 d. The court costs in scheduled violation cases where a  
25 4 court appearance is required ~~are twenty-five, seventeen~~  
25 5 dollars.

25 6 e. For court costs in scheduled violation cases where a  
25 7 court appearance is not required, ~~fifteen~~ seventeen dollars.

25 8 Sec. 48. Section 624.20, Code 2003, is amended to read as  
25 9 follows:  
25 10 624.20 SATISFACTION OF JUDGMENT.  
25 11 Where a judgment is set aside or satisfied by execution or  
25 12 otherwise, the clerk shall at once enter a memorandum thereof  
25 13 on the column left for that purpose in the judgment docket.  
25 14 However, the clerk may enter satisfaction of judgment if the  
25 15 amount of the judgment that is unsatisfied is ~~one dollar three~~  
~~25 16 dollars~~ or less.

25 17 Sec. 49. Section 631.5, subsection 6, Code 2003, is  
25 18 amended to read as follows:  
25 19 6. DEFAULT. If a defendant fails to appear and the clerk  
25 20 in accordance with subsection 4 determines that proper notice  
25 21 has been given, judgment shall be rendered against the  
25 22 defendant by the clerk if the relief is readily ascertainable.  
25 23 If the relief is not readily ascertainable the claim shall be  
25 24 assigned to a judicial magistrate for determination ~~and the~~  
~~25 25 clerk shall immediately notify the plaintiff or the~~  
~~25 26 plaintiff's attorney and the judicial magistrate of such~~  
~~25 27 assignment by ordinary mail.~~

25 28 Sec. 50. Section 631.6, subsection 1, paragraph c, Code  
25 29 2003, is amended to read as follows:  
25 30 c. Postage charged for the mailing of original notice  
25 31 shall be ~~the actual costs of the postage~~ eight dollars.

25 32 Sec. 51. Section 633.20B, subsections 2 and 3, Code 2003,  
25 33 are amended to read as follows:  
25 34 2. In November of any year in which an impending vacancy  
25 35 is created because a full-time associate probate judge is not  
26 1 retained in office pursuant to a judicial election, the county  
26 2 magistrate appointing commission shall publicize notice of the  
26 3 vacancy in at least two publications in the official county  
26 4 newspaper. The commission shall accept applications for  
26 5 consideration for nomination as full-time associate probate  
26 6 judge for a minimum of fifteen days prior to certifying  
26 7 nominations. The commission shall consider the applications  
26 8 and shall, by majority vote, certify to the chief judge of the  
26 9 judicial district not later than December 15 of that year the  
26 10 names of three applicants who are nominated by the commission

26 11 for the vacancy, unless the chief justice has ordered the  
26 12 commission to delay the certification of the nominees to the  
26 13 chief judge. The chief justice may order the delay of the  
26 14 certification for up to one hundred eighty days for budgetary  
26 15 reasons. If there are three or fewer applicants, the  
26 16 commission shall certify all applicants who meet the statutory  
26 17 qualifications. Nominees shall be chosen solely on the basis  
26 18 of the qualifications of the applicants, and political  
26 19 affiliation shall not be considered.

26 20 3. Within thirty days after a county magistrate appointing  
26 21 commission receives notification of an actual or impending  
26 22 vacancy in the office of full-time associate probate judge,  
26 23 other than a vacancy referred to in subsection 2, the  
26 24 commission shall certify to the chief judge of the judicial  
26 25 district the names of three applicants who are nominated by  
26 26 the commission for the vacancy, unless the chief justice has  
26 27 ordered the commission to delay the certification of the  
26 28 nominees to the chief judge. The chief justice may order the  
26 29 delay of the certification for up to one hundred eighty days  
26 30 for budgetary reasons. The commission shall publicize notice

26 31 of the vacancy in at least two publications in the official  
26 32 county newspaper. The commission shall accept applications  
26 33 for consideration for nomination as full-time associate  
26 34 probate judge for a minimum of fifteen days prior to  
26 35 certifying nominations. The commission shall consider the  
27 1 applications and shall, by majority vote, certify to the chief  
27 2 judge of the judicial district the names of three applicants  
27 3 who are nominated by the commission for the vacancy. If there  
27 4 are three or fewer applicants, the commission shall certify  
27 5 all applicants who meet the statutory qualifications.  
27 6 Nominees shall be chosen solely on the basis of the  
27 7 qualifications of the applicants, and political affiliation  
27 8 shall not be considered. As used in this subsection, a  
27 9 vacancy is created by the death, retirement, resignation, or  
27 10 removal of a full-time associate probate judge, or by an  
27 11 increase in the number of positions authorized.

27 12 Sec. 52. Section 633.47, Code 2003, is amended to read as  
27 13 follows:

27 14 633.47 PROOF OF SERVICE AND ~~TAXATION~~ PAYMENT OF COSTS.

27 15 Proof of service of any notice, required by this Code or by  
27 16 order of court, including those by publication, shall be filed  
27 17 with the clerk. The costs of serving any notice given by the  
27 18 fiduciary shall be ~~taxed by the clerk as part of the costs of~~  
27 19 ~~administration in said be paid directly by the estate.~~

27 20 Sec. 53. Section 633.301, Code 2003, is amended to read as  
27 21 follows:

27 22 633.301 COPY OF WILL FOR EXECUTOR.

27 23 When a will has been admitted to probate and certified  
27 24 pursuant to section 633.300, the clerk shall cause ~~an~~  
27 25 ~~authenticated a certified~~ copy thereof to be placed in the  
27 26 hands of the executor to whom letters are issued. The clerk  
27 27 shall retain the will in a separate file provided for that  
27 28 purpose until the time for contest has expired, and promptly  
27 29 thereafter shall place it with the files of the estate.

27 30 Sec. 54. Section 633.479, unnumbered paragraph 2, Code  
27 31 2003, is amended to read as follows:

27 32 An order approving the final report and discharging the  
27 33 personal representative shall not be required if all  
27 34 distributees otherwise entitled to notice are adults, under no  
27 35 legal disability, have signed waivers of notice as provided in  
28 1 section 633.478, have signed statements of consent agreeing  
28 2 that the prayer of the final report shall constitute an order  
28 3 approving the final report and discharging the personal  
28 4 representative, and if the statements of consent are dated not  
28 5 more than thirty days prior to the date of the final report,  
28 6 and if compliance with sections 422.27 and 450.58 have been  
28 7 fulfilled and receipts and certificates are on file. In those  
28 8 instances final order shall not be required and the prayer of  
28 9 the final report shall be considered as granted and shall have  
28 10 the same force and effect as an order of discharge of the  
28 11 personal representative and an order approving the final  
28 12 report. ~~The clerk shall comply with section 633.480 with~~  
28 13 ~~respect to issuing a change of title.~~

28 14 Sec. 55. Section 633.480, Code 2003, is amended to read as  
28 15 follows:

28 16 633.480 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
28 17 WITH ADMINISTRATION.

28 18 After discharge as provided in section 633.479, ~~the clerk~~  
28 19 ~~shall certify under chapter 558 relative to each parcel of~~  
28 20 ~~real estate the personal representative shall deliver to the~~  
28 21 county recorder of the county in which the real estate is

28 22 ~~situated a certificate pertaining to each parcel of real~~  
28 23 ~~estate described in the final report of the personal~~  
28 24 ~~representative which has not been sold by the personal~~  
28 25 ~~representative, and deliver the certificate to the county~~  
28 26 ~~recorder of the county in which the real estate is situated.~~  
28 27 The certificate shall include the name and complete mailing  
28 28 address, as shown on the final report, of the individual or  
28 29 entity in whose name each parcel of real estate is to be  
28 30 taxed. The county recorder shall deliver the certificate to  
28 31 the county auditor as provided in section 558.58.

28 32 Sec. 56. Section 633.481, Code 2003, is amended to read as  
28 33 follows:

28 34 633.481 CERTIFICATE TO COUNTY RECORDER FOR TAX PURPOSES  
28 35 WITHOUT ADMINISTRATION.

29 1 When an inventory or report is filed under section 450.22,  
29 2 without administration of the estate of the decedent, the  
29 3 ~~clerk heir or heir's attorney~~ shall ~~issue~~ prepare and deliver  
29 4 to the county recorder of the county in which the real estate  
29 5 is situated a certificate pertaining to each parcel of real  
29 6 estate described in the inventory or report. Any fees for  
29 7 certificates or recording fees required by this section or  
29 8 section 633.480 shall be assessed as costs of administration.  
29 9 The fee for recording and indexing the instrument shall be as  
29 10 provided in section 331.604. The county recorder shall  
29 11 deliver the certificates to the county auditor as provided in  
29 12 section 558.58.

29 13 Sec. 57. Section 635.7, Code 2003, is amended to read as  
29 14 follows:

29 15 635.7 REPORT AND INVENTORY == EXCESS VALUE AND  
29 16 TERMINATION.

29 17 The executor or administrator is required to file the  
29 18 report and inventory for which provision is made in section  
29 19 633.361. Nothing in sections 635.1 to 635.3 shall exempt the  
29 20 executor or administrator from complying with the requirements  
29 21 of section 422.27, 450.22, ~~or 450.58, or the clerk from~~  
29 22 ~~complying with the requirements of section 633.481.~~ If the  
29 23 inventory and report shows assets subject to the jurisdiction  
29 24 of this state which exceed the total gross value of the amount  
29 25 permitted the small estate under the applicable provision of  
29 26 section 635.1, the clerk shall terminate the letters issued  
29 27 under section 635.1 without prejudice to the rights of persons  
29 28 who delivered property as permitted under section 635.3. The  
29 29 executor or administrator shall then be required to petition  
29 30 for administration of the estate as provided in chapter 633.

29 31 Sec. 58. Section 668.13, subsection 3, Code 2003, is  
29 32 amended to read as follows:

29 33 3. Interest shall be calculated as of the date of judgment  
29 34 at a rate equal to the one-year treasury constant maturity  
29 35 ~~index~~ published by the federal reserve in the H15 report  
30 1 settled immediately prior to the date of the judgment plus two  
30 2 percent. The state court administrator shall distribute  
30 3 notice monthly of that rate and any changes to that rate to  
30 4 all district courts.

30 5 Sec. 59. Section 902.4, Code 2003, is amended to read as  
30 6 follows:

30 7 902.4 RECONSIDERATION OF FELON'S SENTENCE.

30 8 For a period of one year from the date when a person  
30 9 convicted of a felony, other than a class "A" felony or a  
30 10 felony for which a minimum sentence of confinement is imposed,  
30 11 begins to serve a sentence of confinement, the court, on its  
30 12 own motion or on the recommendation of the director of the  
30 13 Iowa department of corrections, may order the person to be  
30 14 returned to the court, at which time the court may review its  
30 15 previous action and reaffirm it or substitute for it any  
30 16 sentence permitted by law. Copies of the order to return the  
30 17 person to the court shall be provided to the attorney for the  
30 18 state, the defendant's attorney, and the defendant. Upon a  
30 19 request of the attorney for the state, the defendant's  
30 20 attorney, or the defendant if the defendant has no attorney,  
30 21 the court may, but is not required to, conduct a hearing on  
30 22 the issue of reconsideration of sentence. The court shall not  
30 23 disclose its decision to reconsider or not to reconsider the  
30 24 sentence of confinement until the date reconsideration is  
30 25 ordered or the date the one-year period expires, whichever  
30 26 occurs first. The district court retains jurisdiction for the  
30 27 limited purposes of conducting such review and entering an  
30 28 appropriate order notwithstanding the timely filing of a  
30 29 notice of appeal. The court's final order in the proceeding  
30 30 shall be delivered to the defendant personally or by ~~certified~~  
30 31 regular mail. The court's decision to take the action or not  
30 32 to take the action is not subject to appeal. However, for the

30 33 purposes of appeal, a judgment of conviction of a felony is a  
30 34 final judgment when pronounced.

30 35 Sec. 60. Section 903.2, Code 2003, is amended to read as  
31 1 follows:

31 2 903.2 RECONSIDERATION OF MISDEMEANANT'S SENTENCE.

31 3 For a period of thirty days from the date when a person  
31 4 convicted of a misdemeanor begins to serve a sentence of  
31 5 confinement, the court may order the person to be returned to  
31 6 the court, at which time the court may review its previous  
31 7 action and reaffirm it or substitute for it any sentence  
31 8 permitted by law. The sentencing court retains jurisdiction  
31 9 for the limited purposes of conducting such review and  
31 10 entering an appropriate order notwithstanding the timely  
31 11 filing of a notice of appeal or an application for  
31 12 discretionary review. The court's final order in the  
31 13 proceeding shall be delivered to the defendant personally or  
31 14 by ~~certified~~ regular mail. Such action is discretionary with  
31 15 the court and its decision to take the action or not to take  
31 16 the action is not subject to appeal. The other provisions of  
31 17 this section notwithstanding, for the purposes of appeal a  
31 18 judgment of conviction is a final judgment when pronounced.

31 19 Sec. 61. Section 907.4, Code 2003, is amended to read as  
31 20 follows:

31 21 907.4 DEFERRED JUDGMENT DOCKET.

31 22 A deferment of judgment under section 907.3 shall be  
31 23 ~~reported entered~~ promptly by the clerk of the district court,  
31 24 or the clerk's designee, ~~to the state court administrator for~~  
31 25 ~~entry in into the deferred judgment docket database of the~~  
31 26 ~~state, which shall serve as the deferred judgment docket.~~ The  
31 27 docket shall contain a permanent record of the deferred  
31 28 judgment including the name and date of birth of the  
31 29 defendant, the district court docket number, the nature of the  
31 30 offense, and the date of the deferred judgment. Before  
31 31 granting deferred judgment in any case, the court shall  
31 32 ~~request of the state court administrator a search of the~~  
31 33 deferred judgment docket and shall consider any prior record  
31 34 of a deferred judgment against the defendant. The permanent  
31 35 record provided for in this section is a confidential record  
32 1 exempted from public access under section 22.7 and shall be  
32 2 available only to justices of the supreme court, judges of the  
32 3 court of appeals, district judges, district associate judges,  
32 4 judicial magistrates, clerks of the district court, ~~and~~ county  
32 5 attorneys, ~~and the department of corrections~~ requesting  
32 6 information pursuant to this section, or the designee of a  
32 7 justice, judge, magistrate, clerk, or county attorney, ~~or~~  
32 8 ~~department.~~

32 9 Sec. 62. Sections 602.6303 and 633.15, Code 2003, are  
32 10 repealed.

32 11 Sec. 63. Section 602.6201, subsection 12, as enacted by  
32 12 this Act, is amended by striking the subsection effective July  
32 13 1, 2008.

32 14 Sec. 64. The sections of this Act amending section 46.12;  
32 15 section 602.6304, subsections 2 and 3; and sections 602.6403,  
32 16 602.7103B, and 633.20B are repealed on July 1, 2006.

32 17 Sec. 65. RETENTION OF JUDGES. The amendments in this Act  
32 18 to section 46.16, subsections 2 and 3, apply to elections for  
32 19 retaining a judge occurring after the effective date of this  
32 20 Act.

32 21 Sec. 66. JUDICIAL DISTRICT REDISTRICTING INTERIM STUDY  
32 22 COMMITTEE. The legislative council is requested to establish  
32 23 an interim study committee to study the judicial district and  
32 24 judicial election district redistricting and the allocation of  
32 25 judicial branch resources. The committee shall review all  
32 26 relevant matters regarding judicial district and judicial  
32 27 election district redistricting, and the allocation of  
32 28 judicial branch resources deemed relevant by the majority of  
32 29 the committee including but not limited to determining whether  
32 30 a misallocation of judicial officers exists between judicial  
32 31 districts, the nature and history of judicial branch resources  
32 32 and a cost analysis of current judicial branch resources, the  
32 33 optimum allocation of resources regardless of judicial  
32 34 district boundaries, the effect of redistricting on the  
32 35 delivery of court services and employee morale, a cost  
33 1 benefits analysis of implementing a redistricting plan, and  
33 2 the recommendations of the Iowa supreme court committee on  
33 3 redistricting. If after reviewing all relevant matters the  
33 4 committee determines that redistricting should occur, the  
33 5 committee shall adopt a redistricting plan and submit the plan  
33 6 for consideration by the general assembly by December 15,  
33 7 2003. If the committee determines redistricting should not  
33 8 occur, the committee shall submit to the general assembly

33 9 other recommendations for achieving an optimum allocation of  
33 10 judicial branch resources by December 15, 2003. The committee  
33 11 shall consist of thirty-one members with each organization  
33 12 selecting their member or representative as follows:  
33 13 1. Three members to be selected by the supreme court.  
33 14 2. One member to be selected by the majority leader of the  
33 15 senate.  
33 16 3. One member to be selected by the minority leader of the  
33 17 senate.  
33 18 4. One member to be selected by the majority leader of the  
33 19 house of representatives.  
33 20 5. One member to be selected by the minority leader of the  
33 21 house of representatives.  
33 22 6. Three members of the Iowa state bar association.  
33 23 7. Three members of the Iowa judges association.  
33 24 8. Three members of the Iowa trial lawyers association.  
33 25 9. Two members of the Iowa clerks of court association.  
33 26 10. One member of the Iowa association of magistrate  
33 27 judges.  
33 28 11. One member of the Iowa defense counsel association.  
33 29 12. One member of the Iowa academy of trial lawyers.  
33 30 13. One member of the Iowa county attorneys association.  
33 31 14. A representative of the judicial district department  
33 32 of correctional services to be selected by the eight directors  
33 33 of the judicial district department of correctional services.  
33 34 15. One member of the Iowa sheriffs' and deputies'  
33 35 association.  
34 1 16. One member of the recorders affiliate of the Iowa  
34 2 state association of counties.  
34 3 17. One member of the Iowa court reporters association.  
34 4 18. One member to be selected by the Iowa civil liberties  
34 5 union.  
34 6 19. One member of the supervisors affiliate of the Iowa  
34 7 state association of counties.  
34 8 20. One member of the juvenile court officers'  
34 9 association.  
34 10 21. One member to be selected by the American federation  
34 11 of state, county, and municipal employees.  
34 12 22. One district court administrator to be selected by the  
34 13 district court administrators of the state.  
34 14  
34 15

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34 17 \_\_\_\_\_  
34 18 CHRISTOPHER C. RANTS  
34 19 Speaker of the House  
34 20

34 21  
34 22 \_\_\_\_\_  
34 23 MARY E. KRAMER  
34 24 President of the Senate  
34 25

34 26 I hereby certify that this bill originated in the House and  
34 27 is known as House File 694, Eightieth General Assembly.  
34 28  
34 29

34 30  
34 31 \_\_\_\_\_  
34 32 MARGARET THOMSON  
34 33 Chief Clerk of the House  
34 34

34 35 Approved \_\_\_\_\_, 2003  
35 1

35 2 THOMAS J. VILSACK  
35 3 Governor